

**ORDINANCE NO. 7425**

**ORDINANCE AMENDING TITLE 14 ENTITLED “WATERWORKS” AND TITLE 15 ENTITLED “SEWERS AND SEWERAGE” OF THE CODE OF ORDINANCES OF THE CITY OF EAU CLAIRE AND AMENDING THE SCHEDULE OF FEES AND LICENSES TO INCLUDE WATER SERVICE AND WASTEWATER SERVICE RATES AND CHARGES.**

**THE CITY COUNCIL OF THE CITY OF EAU CLAIRE DO ORDAIN AS FOLLOWS:**

***SECTION 1. That section 14.08.140 entitled “Service outside corporate limits” and specifically paragraph D. is hereby amended to read as follows:***

D. In such cases the water rates ~~given under Section 14.20.060~~ stated in the City of Eau Claire Schedule of Fees and Licenses shall be applied.

***SECTION 2. That section 14.12.040 entitled “Meters--Failure to read” and specifically paragraph C. is hereby amended to read as follows:***

C. Where the utility is unable to read a meter, and the card was not marked and returned, charges will be estimated and a billing, indicating it is an estimated bill, will be mailed to the customer. Any differences shall be adjusted when the meter is again read. Only in unusual cases shall more than ~~two~~ three consecutive estimated or minimum bills be rendered.

***SECTION 3. That section 14.12.060 entitled “Leakage--Abnormal consumption registered” is hereby repealed and recreated to read as follows:***

**14.12.060 Leakage--Abnormal consumption registered.** Pursuant to Wis. Admin. Code 185.35(6) and the utility’s policy, when a leak unknown to the customer is found in an appliance or the plumbing and is promptly repaired upon identification or notification, the utility shall estimate the water wasted due to the leak and bill for this excess usage at the lowest volume rate published. If, however, the consumer fails to have the leak repaired promptly, the total consumption will be billed at regular rates. No additional adjustments shall be made for water supplied after the customer has been notified of the leak and has had an opportunity to correct the condition.

***SECTION 4. That section 14.16.050 entitled “Maintenance and replacement of service laterals” and specifically paragraph D. is hereby amended to read as follows:***

**14.16.050 Maintenance and replacement of service laterals.** D. 1. Any claim filed under this section may be authorized to be paid from the city treasury after the comptroller has audited and approved the claim as a proper charge against the treasury, and has indorsed approval thereon after having determined that the following conditions have been complied with:

- a. That funds are available therefor pursuant to the budget approved by the city council;
- b. That the item or service covered by such claim has been duly authorized by the proper official, department head, board, or commission;
- c. That the item or service has been actually supplied or rendered in conformity with such authorization;

d. That the claim is just and valid pursuant to law. The comptroller may require the submission of such proof and evidence to support the foregoing as deemed necessary.

2. The comptroller shall file with the city council not less than monthly a list of the claims approved, showing the date paid, name of claimant, purpose and amount.

3. The city shall authorize an annual detailed audit of such financial transactions and accounts as required by Wisconsin Statutes, Section ~~66.044~~ 66.0609.

***SECTION 5. That section 14.20.010 entitled “Bills to customers” is hereby amended to read as follows:***

**14.20.010 Bills to customers.** A. All water bills and notices of any nature relative to water supply shall be addressed to the customer. "Customer" shall be construed to mean the owner of the property or their designee. In the case of rental property, the owner may direct the utility to recognize a tenant as a customer subject to the following conditions:

1. Each rental unit shall be individually metered.

2. Any tenant-customer signing for service agrees to be responsible for the prompt payment for services and for notifying the owner and utility of any change in occupancy.

Service may not be denied to any customer provided the above conditions are met and the customer is legally occupying the property.

B. Reasonable care will be exercised for delivery of water bills. The failure to receive such bills shall not relieve the owner or customer of any premises from payment of bills within the prescribed period, nor exempt him from the responsibility imposed for delinquency of accounts.

***SECTION 6. That section 14.20.015 entitled “Service contract” and specifically paragraphs B. and C. are hereby amended to read as follows:***

**14.20.015 Service contract.** B. For change in ownership of property requiring special billing by the utility, a special billing charge shall apply. ~~If the utility is asked to read the meter, the special reading meter charge will apply.~~ A special meter reading charge shall apply to the customer when the water utility reads the meter to disconnect service and/or provide special billing. These charges may not be assessed to the new customer. ~~See Section 14.20.055 f~~For applicable rates see the City of Eau Claire Schedule of Fees and Licenses.

C. Where the property owner requests the utility to bill a tenant-customer, and the tenant-customer accepts this responsibility, a special billing charge shall apply. ~~If the utility is asked to read the meter, the special reading meter charge will apply.~~ A special meter reading charge shall apply to the customer when the water utility reads the meter to disconnect service and/or provide special billing. These charges may not be assessed to the new customer. ~~See Section 14.20.055 f~~For applicable rates see the City of Eau Claire Schedule of Fees and Licenses. Service will not be denied to any tenant-customer provided he or she is legally occupying the property and has accepted responsibility for water service.

***SECTION 7. That section 14.20.030 entitled “Unpaid charges--Lien on property” is hereby amended to read as follows:***

**14.20.030 Unpaid charges--Lien on property.** A. Except as provided in subsection B., all water bills and service charges shall be a lien on the parcel of land to which water service is supplied. All sums that have accrued ~~during the preceding year~~ and are not paid by the first fifteenth of November in any year

shall be certified to the city clerk, and shall be placed on the tax roll for collection as provided in Section 66.0809, Wisconsin Statutes.

**SECTION 8.** *That section 14.20.050 entitled “Rates—Public fire protection service” is hereby amended to read as follows:*

**14.20.050 Rates--Public fire protection service.** Public Fire Protection Service. Under Wisconsin Statute s. 196.03(3)(b), the city of Eau Claire has chosen to have the utility bill the retail general service customers for public fire-protection service. This service shall include the use of hydrants for fire protection service only and such quantities of water as may be demanded for the purposes of extinguishing fires within the service area. This service shall also include water used for testing equipment and training personnel. For all other purposes, the metered or other rates set forth, or as may be filed with the Public Service Commission, shall apply.

<u>Meter Size</u>	<u>Rate per month</u>	<u>Adjusted Rate per Quarter</u>
5/8 in.	\$ 3.60	\$ 10.80
3/4 in.	3.60	10.80
1 in.	9.00	27.00
1 1/4 in.	13.00	39.00
1 1/2 in.	18.00	54.00
2 in.	28.00	87.00
3 in.	55.00	165.00
4 in.	90.00	270.00
6 in.	180.00	540.00
8 in.	290.00	870.00
10 in.	450.00	1,350.00
12 in.	580.00	1,740.00

This fire protection service rate shall apply to all water customers is in addition to the rates contained elsewhere in Title 14 ~~or~~ and shall be in an amount as stated in the City of Eau Claire Schedule of Fees and Licenses.

**SECTION 9.** *That section 14.20.055 entitled “Utility service transfer fee” is hereby amended to read as follows:*

**14.20.055 Utility service transfer fee** ~~Other charges.~~ The following ~~special billing~~ charges shall ~~be applied apply for charges~~ to a customer’s account as applicable in an amount as stated in the City of Eau Claire Schedule of Fees and Licenses

Meter reading charge \$30.00  
Administrative and billing charge 20.00

A. ~~The A~~ special meter reading charge shall apply to the customer when the water utility reads the meter to disconnect service and/or provide special billing. This charge may not be assessed to a new customer.

~~B. The A special administrative and billing charge shall apply to the customer to cover the administrative expenses associated with disconnecting service and/or providing special billing. This charge may not be assessed to a new customer.~~

The above-stated ~~fees~~ charges shall apply under the following circumstances:

1. Ownership of property transfers;
2. Owner of property assigns responsibility for service to a tenant-customer (and the tenant-customer accepts the responsibility);
3. Tenant-customer moves and billing address transfers back to owner;
4. Tenant changes and new tenant accepts responsibility for bill; or
5. Property management company or condominium association transfers and responsibility is accepted by new management.

C. A ~~\$30.00 missed appointment~~ charge will be billed by the utility if the customer schedules an appointment for a special meter reading with a utility serviceman and the customer fails to be present at such time to allow access to the meter.

**SECTION 10.** *That section 14.20.060 entitled "Rates--Metered" is hereby amended to read as follows:*

**14.20.060 Water Rates--Metered.** A. General water service, volume and meter rental rate charges shall be as stated in the City of Eau Claire Schedule of Fees and License. ~~Service Charge. Charges shall be:~~

	<del>Monthly</del>	<del>Quarterly</del>		<del>Monthly</del>	<del>Quarterly</del>
5/8 in. meter	\$ 7.00	\$ 21.00	3 in. meter	\$ 40.00	\$ 120.00
3/4 in. meter	7.00	21.00	4 in. meter	60.00	180.00
1 in. meter	10.00	30.00	6 in. meter	104.00	312.00
1 1/4 in. meter	13.00	39.00	8 in. meter	158.00	474.00
1 1/2 in. meter	17.00	51.00	10 in. meter	220.00	660.00
2 in. meter	25.00	75.00	12 in. meter	275.00	825.00

B. Plus volume charges:

Residential Customers:

All water used - \$1.65 per 100 cubic feet

Non-Residential Customers:

First 2,500 cubic feet used monthly or

7,500 cubic feet used quarterly - \$1.70 per 100 cubic feet

Next 247,500 cubic feet used monthly or

742,500 cubic feet used quarterly - \$1.45 per 100 cubic feet

Over 250,000 cubic feet used monthly or

750,000 cubic feet used quarterly - \$1.10 per 100 cubic feet

B. Upon request and payment of such fee as stated in the City of Eau Claire Schedule of Fees and Licenses, the utility shall furnish and install additional meters to water service customers for the purpose of measuring the volume of water used that is not discharge into the sanitary sewer system and to sewerage service customers who are not customers of the water utility for the purpose of determining the volume of sewage that is discharge into the sanitary sewer system. An additional meter rental charge applies if the additional meter is installed on the same service lateral as the primary meter. The metering configuration and meter size determine the additional meter charge.

**SECTION 11.** *That section 14.20.070 entitled “Reconnection charge” is hereby amended to read as follows:*

**14.20.070 Reconnection charge.** A. Where a customer, at customer request, has been disconnected (shut off at curb stop or meter removed) and where customer requests reconnection of service at the same location, a reconnection charge shall be billed.

B. A reconnection charge shall be made to customers whose services are disconnected (shut off at curb stop or meter removed) because of non-payment of bills when due, (not including disconnection for failure to comply with deposit or guarantee rules).

C. If reconnection is requested for the same location by any member of the same household, or, if a place of business, by any partner of the same business, it shall be considered the same customer.

D. Reconnection charges shall be as stated in the City of Eau Claire Schedule of Fees and License.  
The following reconnection charge shall apply:

	<u>During Normal</u>	<u>After Normal</u>
	<u>Business Hours</u>	<u>Business Hours</u>
Valve turned on at curb stop with or without meter reinstallation	\$55.00	\$75.00

E. Note: There is nNo charge for disconnection.

**SECTION 12.** *That section 14.20.090 entitled “Unmetered service” is hereby amended to read as follows:*

**14.20.090 Unmetered service** A. Service may be supplied temporarily on an unmetered basis where the utility cannot immediately install a water meter, including water used for construction. Unmetered service shall be billed the average amount that would be charged to a metered residential customer ~~using 1,700 cubic feet of water per quarter under s. 14.20.060;~~ including the service charge for a 5/8-inch meter. If the utility determines ~~that the~~ actual usage exceeds ~~1,700 cubic feet of water per quarter,~~ the residential average of water per quarter, an additional charge for the estimated excess usage shall be made according to the rates: ~~under s. 14.20.060~~ as stated in the City of Eau Claire Schedule of Fees and Licenses.

B. This schedule applies only to customers with a 1-inch or smaller service connection. For customers with a larger service connection, the utility shall install a temporary meter and charges shall be based on the rates ~~set forth under s. 14.20.060,~~ as stated in the City of Eau Claire Schedule of Fees and Licenses.

**SECTION 13.** *That section 14.20.095 entitled “Seasonal service” is hereby amended to read as follows:*

**14.20.095 Seasonal service.** A. Seasonal customers are general service customers who voluntarily request disconnection of water service and who resume service at the same location within 12 months of the disconnection, unless service has been provided to another customer at that location in the intervening period. The utility shall bill seasonal customers the applicable service charges ~~under s. 14.20.060~~ year-round, including the period of temporary disconnection.

B. Seasonal service shall include customers taking metered or unmetered service ~~under s. 14.20.060~~ or s. 14.20.090.

C. Upon reconnection, the utility shall apply a charge ~~under s. 14.20.070~~ and require payment of any unpaid charges under this schedule.

D. Applicable charges shall be as stated in the City of Eau Claire Schedule of Fees and Licenses.

**SECTION 14.** *That section 14.20.100 entitled “Rates--Private fire protection service” is hereby amended to read as follows:*

**14.20.100 Rates--Private fire protection service.** A. This service shall consist of permanent or continuous unmetered connections to the main for the purpose of supplying water to private fire protection service such as automatic sprinkler systems, standpipes (where same are connected permanently or continuously to the main(s)), and private hydrants. This service shall also include reasonable quantities of water used for testing check valves and other backflow prevention devices.

B. Private fire protection service demand charges shall be as stated in the City of Eau Claire Schedule of Fees and Licenses. Demand charges for private fire protection service shall be as follows:

<u>Size of Connection</u>	<u>Monthly</u>	<u>Quarterly</u>
2-inch or smaller	\$ 3.50	\$ 10.50
3-inch	6.00	18.00
4-inch	10.00	30.00
6-inch	16.00	48.00
8-inch	25.00	75.00
10-inch	35.00	105.00
12-inch	47.00	141.00
14-inch	59.00	177.00
16-inch	70.00	210.00

**SECTION 15.** *That section 14.20.135 entitled “Public service” and specifically paragraph B. is hereby amended to read as follows:*

**14.20.135 Public service.** B. Water used on an intermittent basis for flushing sewers, street sprinkling, flooding skating rinks, drinking fountains, and similar activities shall be metered where meters can be set to measure the service. Where it is impossible to measure the service, the superintendent shall estimate the volume of water used based on the pressure, size of opening, and period of time water is allowed to be drawn. The estimated quantity used shall be billed at the volumetric rates ~~set forth in s. 14.20.060~~ as stated in the City of Eau Claire Schedule of Fees and Licenses.

**SECTION 16.** *That section 14.20.140 entitled “Bulk water” and specifically paragraph B. is hereby amended to read as follows:*

**14.20.140 Bulk water.** B. A service charge and charge for the volume of water used will be billed to the party using the water. ~~at \$1.49 per 100 cubic feet. A service charge, in addition to the volumetric charge, will be \$50.00. A deposit for the meter and/or valve will be required. The deposit collected shall be \$50.00 shall be collected~~ and will be refunded upon return of the utility’s equipment. Damaged or lost equipment will be repaired or replaced at the customer’s expense. Bulk water charges shall be as stated in the City of Eau Claire Schedule of Fees and Licenses.

**SECTION 17.** *That s. 15.04.010, entitled “General” is hereby amended as follows:*

**15.04.010 General.** Pursuant to the provisions of Wisconsin Statutes, section ~~66.076~~ 66.0821 and other

provisions of law, the city establishes a sewerage service charge in an amount required to meet all or part of the requirements for the construction, reconstruction, improvement, extension, operation, maintenance, repair and depreciation of the sewerage system within the city, and for payment of all or part of the principal and interest of any indebtedness incurred thereof, including the replacement of the funds advanced by or paid from the general fund of the city.

**SECTION 18.** *That s. 15.04.030, entitled “Wastewater service charge”, and specifically subsections B. 7. and B. 8., and B. 9 thereof, is hereby amended as follows:*

7. Wastewater Charges. Charges under this chapter shall be as stated in the City of Eau Claire Schedule of Fees and Licenses. ~~follows:~~

- ~~\_\_\_\_\_ a. \_\_\_\_\_ A quarterly service charge of \$9.30; and~~
- ~~\_\_\_\_\_ b. \_\_\_\_\_ A volume charge of \$4.38 per 100 c.f.~~

8. Surcharge. The amount of surcharge for BOD or suspended solids, or both, shall be determined based on the following formula with a rate as stated in the City of Eau Claire Schedule of Fees and Licenses:

$C_s = 8.34 V_u [B_c B + S_c S]$  where:

$C_s$  = amount of surcharge, always greater than zero

$V_u$  = wastewater volume, in million gallons, for billing period

$B_c$  = ~~\$0.44~~ Rate/# BOD<sub>5</sub>

$B$  = BOD<sub>5</sub> discharge, minus 250 mg/l (always zero or positive)

$S_c$  = ~~\$0.53~~ Rate/# suspended solids

$S$  = suspended solids discharged, minus 250 mg/l (always zero or positive)

9. Charges for waste hauled to the POTW shall be as stated in the City of Eau Claire Schedule of Fees and Licenses. ~~follows:~~

~~Septage: \$90.00 per each 1,000 gallons or fraction thereof;~~

~~Holding tank wastes: \$14.00 per each 1,000 gallons or fraction thereof;~~

The charge for wastes other than septage or holding tank wastes shall be based upon the charge ~~imposed under s. 15.04.030 B. 7. in this section~~ and any surcharge imposed ~~under s. 15.04.030 B. 8.,~~ plus any additional charge. An additional charge shall be imposed to cover the labor and overhead costs of the city in excess of the normal and usual costs which are required in connection with the administration of the disposal of such wastes, ~~not to exceed \$50.00.~~

**SECTION 19.** *That s. 15.04.060, entitled “Measurement of water consumption not yet determined--Charges” is hereby amended as follows:*

**15.04.060 Measurement of water consumption not yet determined--Charges.** The sewerage service charge for any residential lot, parcel of land, building or premises which begins receiving municipal sewer service after the end of the immediately previous winter quarter applicable thereto and where there exists no adequate measure of water consumed thereon for such period, or for which there is no measurement of the previous winter quarter water consumption, ~~shall be based, computed and charged in an amount equal to the amount contained in section 15.04.030 B.7. charges shall be based on rates as stated in the City of Eau Claire Schedule of Fees and Licenses~~ for each one hundred cubic feet of the average residential water consumption throughout the city as computed over the three immediately previous winter quarters, which shall then be deemed to be the "winter quarter" under Section 15.04.040, for each quarterly billing period until a winter quarter charge is established.

**SECTION 20.** *That section 15.04.120 entitled “Billing and collection” and specifically paragraph B thereof, is hereby amended to read as follows:*

**15.04.120 Billing and collection.** B. A late payment charge of 3 percent will be added to bills not paid within 20 days of issuance in the same manner as water service charges under the provision of Chapter PSC 185, accordance with the provisions of s. 14.20.020 and the provisions of Title 14 of this code.

**SECTION 21.** *That section 15.08.055 entitled “Disposal--Septage and holding tank waste” and specifically paragraph G thereof, is hereby amended to read as follows:*

G. All persons discharging septage or holding tank waste pursuant to this section shall pay the discharge fee ~~provided under section 15.04.030 B.9.~~ as stated in the City of Eau Claire Schedule of Fees and Licenses. Failure to pay such fee shall subject the permittee to revocation or suspension as provided herein.

**SECTION 22.** That the City of Eau Claire Schedule of Fees and Licenses Schedule is hereby revised to reflect the addition of water service and wastewater service rates and other charges associated with these services. Amendments to these rates and charges may be made by City Council resolution.

**SECTION 23.** *The provisions of this ordinance shall become effective on May 1, 2021.*

(SEAL) President Terry L. Weld  
(SEAL) Acting Interim City Manager Jacob J. Winzenz  
(ATTESTED) City Clerk Carrie L. Riepl

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